

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KENNETH EDWIN TONEY, JR.,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
VS.)	
)	3:07-CV-1261-G
NATHANIEL QUARTERMAN, Director,)	
Texas Department of Criminal Justice,)	ECF
Correctional Institutions Division,)	
)	
Respondent.)	

ORDER

The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Petitioner filed objections, and the district court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made.

Petitioner's objections are overruled. While petitioner alleges filing an administrative claim pursuant to TEX. GOV'T CODE ANN. § 501.0081, he concedes receiving an administrative response on August 1, 2007, long after the filing and dismissal of his art. 11.07 application for failure to comply with § 501.0081. (Pet's Objections at 1-2). The Texas Court of Criminal Appeals has not had an opportunity to review petitioner's claims, which remain unexhausted as of this filing.

Accordingly, the court **OVERRULES** petitioner's objections, and **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.*

SO ORDERED.

October 11, 2007.



A. JOE FISH
CHIEF JUDGE

* The court cautions petitioner that the 1996 amendment to the habeas corpus statute imposes a one-year statute of limitations for filing habeas corpus petitions in federal court, *see* 28 U.S.C. § 2244(d), and that this provision is applicable to this and any subsequent petition that petitioner may file in this court. Thus, petitioner should proceed with utmost diligence and speed in seeking habeas corpus relief in both state and federal court.